



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

HL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/187,472 11/06/98 ALLINGTON

R 17990-1-1

IM62/1011

J GEORG SEKA
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

EXAMINER

BECKER, D

ART UNIT

PAPER NUMBER

1761

DATE MAILED:

10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
09/187,472Applicant(s)
Allington et alExaminer
Drew BeckerGroup Art Unit
1761☒ Responsive to communication(s) filed on Jul 24, 2000☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-11, 56-58, and 62-79 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1-11, 56-58, and 62-79 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) _____☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1761

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-11, 56-58, and 62-79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 09/591,994 in view of Hansen, Tidland et al, Gell Jr, Helbling, and Scher et al as described below in combination with Allington et al since claims 1-8 of 09/591,994 are duplicates of claims 1-8 of Allington et al.

This is a provisional obviousness-type double patenting rejection.

Art Unit: 1761

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11, 56-58, and 62-79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "the major portion" in line 9. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 11, line 4 recites "when they have reached". It is not clear what "they" are.

7. Claim 11, line 8 recites "it". It is not clear what "it" is.

8. Claim 11, line 12 recites "a substantially closed room". It is not clear whether this is the same "closed room" of line 10.

9. Claim 11, line 16 recites "discharging the cooled, pollutant-free, room temperature air into the room". This step was already done in line 10.

10. Claim 56, line 4 recites "while they are being roasted". It is not clear what "they" are.

11. Claims 1 and 78 recite "a major portion" and "a minor portion". It is not clear whether a major portion is simply the larger portion or whether it is some other type of 'significant' portion.

12. Claims 1, 9-11, 56, 62, and 77-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because of the use of the term

Art Unit: 1761

"substantially" therein. Cancellation of said term will overcome the rejection. *Ex parte Sussman*, 8 USPQ2d 1443 (Bd. Pat. App. & Inter. 1988), *Ex parte Pappas*, 23 USPQ2d 1636 (Bd. Pat. App. & Inter. 1992) and 37 CFR 1.153.

13. Claims 3, 64, 70, and 72 recite "adjusting the step of discontinuing the roasting of the fresh product as a function of at least one of the roasting temperature and atmospheric pressure". It is not clear whether this simply means that the "roasting temperature" is reduced due to the termination of roasting or whether the "roasting temperature" is somehow fluctuated in response to some "parameter" of the fresh product. It is also not clear how the "atmospheric pressure" can be manipulated since this is a relatively set value.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(f) he did not himself invent the subject matter sought to be patented.

15. Claim 79 is rejected under 35 U.S.C. 102(f) as being anticipated by Allington et al [Pat. No. 6,106,877].

Allington et al teach a method of roasting coffee beans by establishing a color degree to which the beans will be roasted, monitoring the beans' color during roasting, and terminating roasting

Art Unit: 1761

when the beans' color matches the predetermined value (Claim 1) and also a reflectometer and a laser spaced from a window (Figure 2, #20 & 22).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al.

Allington et al teach a method of roasting coffee beans by establishing a color degree to which the beans will be roasted, monitoring the beans' color during roasting, and terminating roasting when the beans' color matches the predetermined value (Claim 1), a reflectometer and a laser spaced from a window (Figure 2, #20 & 22), the laser having a wavelength of 780-790 nm (column 5, line 19). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Allington et al inherently possesses a desired aroma since both are properties of fully roasted coffee beans. It would have been obvious to one of ordinary skill in the art to adjust the roasting of Allington et al as a function of temperature since different types and sizes of beans require varying levels and rates

Art Unit: 1761

of heat transfer which would have been provided by adjusting the temperature of Allington et al, as further evidenced by Gell Jr (column 4, line 61 to column 5, line 19).

18. Claims 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi.

Camerini Porzi teaches a method of roasting coffee beans comprising a photoemitter element (Figure 1, 1), a photodetector for monitoring the color of the beans during roasting (Figure 1, 2), a colorimeter which produces an output signal equivalent to desired color (Figure 1, 7; column 4, line 17), and a comparator which ends the roasting when the signals from the colorimeter and photodetector are equal (column 4, lines 22-26). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Camerini Porzi inherently possesses a desired aroma since both are properties of fully roasted coffee beans. It would have been obvious to one of ordinary skill in the art to adjust the roasting of Camerini Porzi as a function of temperature since different types and sizes of beans require varying levels and rates of heat transfer which would have been provided by adjusting the temperature of Camerini Porzi, as further evidenced by Gell Jr (column 4, line 61 to column 5, line 19).

19. Claims 1-6, 10, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al [Pat. No. 5,958,494].

Art Unit: 1761

Allington et al teach the above mentioned concepts. Allington et al do not teach removing substantially all pollutants from the roasting air followed by exhausting a portion of the filtered air into the surrounding room, and reheating and recycling the remainder back into the roaster.

Tidland et al teach a method of roasting comprising removing pollutants from the exhaust (column 2, line 29), recycling the filtered air (column 2, line 28), pressure sensors which monitor the air flow and detect blockages (column 3, line 59), and discharging a portion of the filtered air to the surrounding room during roasting (column 5, lines 42-54). It would have been obvious to one of ordinary skill in the art to incorporate the method of exhaust of Tidland et al into the invention of Allington et al since both are directed to the roasting of coffee beans, since Tidland et al teach that this makes the roasting system more energy efficient (column 2, line 44) and eliminates the need for external venting (column 2, line 21), and since the roasting method of Allington et al would naturally require some means of exhaust as evidenced by Allington et al teaching that the roasting drum can be constructed differently (column 6, line 11).

20. Claims 9, 11, 62-67, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al as applied above, in view of Hansen [Pat. No. 5,690,018].

Allington et al teach the above mentioned concepts. Allington et al do not teach cleaning and cooling the roasting air followed by discharging the clean, cool air to a room. Hansen teaches a method of roasting foods by cooling the roasting air (column 5, lines 35-38), cleaning the roasting air (column 4, lines 29-42), followed by exhausting the cool, clean air to a room (column

Art Unit: 1761

4, lines 43-57). It would have been obvious to one of ordinary skill in the art to incorporate the cooling and cleaning of Hansen into the invention of Allington et al since both are directed to the roasting of coffee beans, since Hansen teaches that this prevents emission of heat, smoke, and odors to the surrounding air which is an inconvenience to the customers and work staff (column 1, lines 49-62), and since the roasting method of Allington et al would naturally require some means of exhaust as evidenced by Allington et al teaching that the roasting drum can be constructed differently (column 6, line 11).

21. Claims 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al as applied to claim 71 above, in view of Gell Jr [Pat. No. 4,494,314].

Allington et al teach the above mentioned concepts. Allington et al do not teach a multiplicity of different product types. Gell Jr teaches a coffee roaster with settings for multiple types of beans and roasting levels (column 4, line 61 to column 5, line 19). It would have been obvious to one of ordinary skill in the art to incorporate the multiple setting and roasting levels of Gell Jr into the invention of Allington et al since both are directed to methods of roasting coffee beans, since Gell Jr teaches that coffee beans come in different sizes and densities which can effect the roasting time (column 5, line 10), and since Allington et al teach the operator selecting the predetermined roast color depending on the given bean type and color (column 5, lines 11-15).

Art Unit: 1761

22. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al and Tidland et al as applied to claim 1 above, in view of Gell Jr.

Allington et al, Tidland et al, and Gell Jr teach the above mentioned concepts. Allington et al, Tidland et al, and Gell Jr are combined for the above mentioned reasons and since they are all directed to methods of roasting.

23. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al in view of Hansen, and Scher et al [Pat. No. 5,062,066].

Allington et al and Hansen teach the above mentioned concepts. Allington et al and Hansen do not teach controlling multiple roasting machines at different locations. Scher et al teach a control system for roasting comprising multiple roasters (column 3, line 15) and monitoring the color of the product (column 5, line 16). It would have been obvious to one of ordinary skill in the art to control multiple roasters as taught by Scher et al with the invention of Allington et al since both are directed to methods of roasting and since the multiple roasters of Scher et al would create more diversified products and reduce the waiting time. It would have been obvious to one of ordinary skill in the art to combine the teachings of Allington et al, Hansen, and Scher et al since they are all directed to methods of roasting food products.

24. Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al, Scher et al, and Hansen as applied to claim 56 above, in view of Helbling [Pat. No. 5,158,793].

Art Unit: 1761

Allington et al, Hansen, and Scher et al teach the above mentioned concepts. Allington et al, Hansen, and Scher et al do not teach a step of keeping an inventory and generating a low inventory signal. Helbling teaches a method of making coffee including a weight sensor which detects when a station is empty and generates an "empty" signal (column 7, line 54). It would have been obvious to one of ordinary skill in the art to incorporate the weight control system of Helbling into the invention of Allington et al since both are directed to methods of coffee production and since this would be an effective means of maintaining a constant rate of roasting in Allington et al by eliminating any stoppages in the process due to an empty supply bin. It would have been obvious to one of ordinary skill in the art to combine the teachings of Allington et al, Scher et al, Hansen, and Helbling since they are all directed to methods of roasting food products.

25. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al, Scher et al, and Hansen as applied to claim 56 above, in view of Gell Jr.

Allington et al, Scher et al, Hansen, and Gell Jr teach the above mentioned concepts. Allington et al, Scher et al, Hansen, and Gell Jr are combined for the above mentioned reasons and also since they are all directed to methods of roasting food products.

26. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allington et al and Hansen as applied to claim 62 above, in view of Gell Jr.

Art Unit: 1761

Allington et al, Hansen, and Gell Jr teach the above mentioned concepts. Allington et al, Hansen, and Gell Jr are combined for the above mentioned reasons and since they are all directed to methods of roasting.

27. Claims 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi [Pat. No. 4,849,625].

Camerini Porzi teaches a method of roasting coffee beans comprising a photoemitter element (Figure 1, 1), a photodetector for monitoring the color of the beans during roasting (Figure 1, 2), a colorimeter which produces an output signal equivalent to desired color (Figure 1, 7; column 4, line 17), and a comparator which ends the roasting when the signals from the colorimeter and photodetector are equal (column 4, lines 22-26). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Camerini Porzi would inherently possess a desired aroma since both are properties of fully roasted coffee beans. It would have been obvious to one of ordinary skill in the art to adjust the roasting of Camerini Porzi as a function of temperature since different types and sizes of beans require varying levels and rates of heat transfer which would have been provided by adjusting the temperature of Camerini Porzi, as further evidenced by Gell Jr (column 4, line 61 to column 5, line 19) and since Camerini Porzi further teaches monitoring the amount of heat applied during roasting (column 2, line 45).

28. Claims 1-3, 10, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al [Pat. No. 5,958,494].

Art Unit: 1761

Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach removing substantially all pollutants from the roasting air followed by exhausting a portion of the filtered air into the surrounding room, and reheating and recycling the remainder back into the roaster.

Tidland et al teach a method of roasting comprising removing pollutants from the exhaust (column 2, line 29), recycling the filtered air (column 2, line 28), pressure sensors which monitor the air flow and detect blockages (column 3, line 59), and discharging a portion of the filtered air to the surrounding room during roasting (column 5, lines 42-54). It would have been obvious to one of ordinary skill in the art to incorporate the method of exhaust of Tidland et al into the invention of Camerini Porzi since both are directed to the roasting of coffee beans, since Tidland et al teach that this makes the roasting system more energy efficient (column 2, line 44) and eliminates the need for external venting (column 2, line 21), and since the roasting method of Camerini Porzi would naturally require some means of exhaust.

29. Claims 9, 11, 62-64, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as applied above, in view of Hansen [Pat. No. 5,690,018].

Camerini Porzi teach the above mentioned concepts. Camerini Porzi do not teach cleaning and cooling the roasting air followed by discharging the clean, cool air to a room. Hansen teaches a method of roasting foods by cooling the roasting air (column 5, lines 35-38), cleaning the roasting air (column 4, lines 29-42), followed by exhausting the cool, clean air to a room (column 4, lines 43-57). It would have been obvious to one of ordinary skill in the art to incorporate the cooling and cleaning of Hansen into the invention of Camerini Porzi since both are directed to

Art Unit: 1761

the roasting of coffee beans, since Hansen teaches that this prevents emission of heat, smoke, and odors to the surrounding air which is an inconvenience to the customers and work staff (column 1, lines 49-62), and since the roasting method of Camerini Porzi would naturally require some means of exhaust.

30. Claims 73-74 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as applied above, in view of Grubbs et al [Pat. No. 4,110,485].

Camerini Porzi teach the above mentioned concepts. Camerini Porzi do not teach the use of a laser beam with a wavelength of 600-800 nm. Grubbs et al teach a method of evaluating coffee bean color comprising the use of a helium-neon gas laser with a wavelength of 632.8nm (column 7, lines 41-46). It would have been obvious to one of ordinary skill in the art to incorporate the laser of Grubbs et al into the invention of Camerini Porzi since both are directed to the color evaluation of coffee beans by use of light beams and since Grubbs et al teach that the laser light source has only a single wavelength and therefor is simpler to calibrate (column 8, lines 30-36).

31. Claims 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as applied to claim 71 above, in view of Gell Jr [Pat. No. 4,494,314].

Camerini Porzi teach the above mentioned concepts. Camerini Porzi do not teach a multiplicity of different product types. Gell Jr teaches a coffee roaster with settings for multiple types of beans and roasting levels (column 4, line 61 to column 5, line 19). It would have been obvious to one of ordinary skill in the art to incorporate the multiple setting and roasting levels of Gell Jr into the invention of Camerini Porzi since Gell Jr teaches that coffee beans come in different

Art Unit: 1761

sizes and densities which can effect the roasting time (column 5, line 10) and since Camerini Porzi is primarily directed to controlling the roasting time of coffee beans by monitoring their color (column 1, lines 8-16).

32. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Tidland et al as applied to claim 1 above, in view of Grubbs et al.

Camerini Porzi, Tidland et al, and Grubbs et al teach the above mentioned concepts. Camerini Porzi, Tidland et al, and Grubbs et al are combined for the above mentioned reasons and since they are all directed to methods of roasting.

33. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Tidland et al as applied to claim 1 above, in view of Gell Jr.

Camerini Porzi, Tidland et al, and Gell Jr teach the above mentioned concepts. Camerini Porzi, Tidland et al, and Gell Jr are combined for the above mentioned reasons and since they are all directed to methods of roasting.

34. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Hansen, Grubbs et al, and Scher et al [Pat. No. 5,062,066].

Camerini Porzi, Grubbs et al, and Hansen teach the above mentioned concepts. Camerini Porzi, Grubbs et al, and Hansen do not teach controlling multiple roasting machines at different locations. Scher et al teach a control system for roasting comprising multiple roasters (column 3, line 15) and monitoring the color of the product (column 5, line 16). It would have been obvious to one of ordinary skill in the art to control multiple roasters as taught by Scher et al with the

Art Unit: 1761

invention of Camerini Porzi since both are directed to methods of roasting, since the multiple roasters of Scher et al would create more diversified products and reduce the waiting time, and since Camerini Porzi teaches a remote processing unit which is located a distance away from the roaster (column 3, line 63). It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, Grubbs et al, Hansen, and Scher et al since they are all directed to methods of roasting food products.

35. Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Grubbs et al, Scher et al, and Hansen as applied to claim 56 above, in view of Helbling [Pat. No. 5,158,793].

Camerini Porzi, Grubbs et al, Hansen, and Scher et al teach the above mentioned concepts. Camerini Porzi, Grubbs et al, Hansen, and Scher et al do not teach a step of keeping an inventory and generating a low inventory signal. Helbling teaches a method of making coffee including a weight sensor which detects when a station is empty and generates an "empty" signal (column 7, line 54). It would have been obvious to one of ordinary skill in the art to incorporate the weight control system of Helbling into the invention of Camerini Porzi since both are directed to methods of coffee production and since this would be an effective means of maintaining a constant rate of roasting in Camerini Porzi by eliminating any stoppages in the process due to an empty supply bin. It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, Grubbs et al, Scher et al, Hansen, and Helbling since they are all directed to methods of roasting food products.

Art Unit: 1761

36. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Grubbs et al, Scher et al, and Hansen as applied to claim 56 above, in view of Gell Jr.

Camerini Porzi, Grubbs et al, Scher et al, Hansen, and Gell Jr teach the above mentioned concepts. Camerini Porzi, Grubbs et al, Scher et al, Hansen, and Gell Jr are combined for the above mentioned reasons and also since they are all directed to methods of roasting food products.

37. Claims 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Hansen as applied to claim 62 above, in view of Grubbs et al.

Camerini Porzi, Hansen, and Grubbs et al teach the above mentioned concepts and are combined for the above mentioned reasons and also since they are all directed to methods of roasting coffee beans.

38. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Hansen as applied to claim 62 above, in view of Gell Jr.

Camerini Porzi, Hansen, and Gell Jr teach the above mentioned concepts. Camerini Porzi, Hansen, and Gell Jr are combined for the above mentioned reasons and since they are all directed to methods of roasting.

Art Unit: 1761

Response to Arguments

39. Applicant's arguments with respect to claims 1-11, 56-58, and 62-79 have been considered but are moot in view of the new ground(s) of rejection.

With regards to applicant's arguments against Tidland et al, applicant's attention is drawn to column 5, lines 42-53 of Tidland et al which disclose that **during roasting**, some of the excess air in the roasting system escapes through the filters to the outside environment and the remainder of the heated air is drawn into the air reconditioning system where it is recycled back into the roasting chamber.

With regards to applicants' arguments against Camerini Porzi: Camerini Porzi teaches comparing a first parameter (a properly roasted bean color) with a second parameter (the beans being roasted) and terminating roasting when they match (column 4, lines 22-26). Also, Camerini Porzi teaches the output of the colorimeter can be set to reflect either a prescribed roast characteristic of the end product, or the amount of heat to be applied during the roasting step (column 2, lines 42-47). Also, the photoemitter element, photodetector, and colorimeter (Figure 1, #1, 2, 7) are all "spaced from the window" (Figure 1, 4) as shown in Figure 1.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew Becker whose telephone number is (703)-305-0300. The examiner can normally be reached on Monday-Thursday from 7:00 am to 5:00 pm.

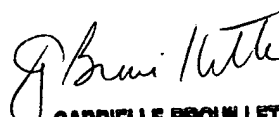
Art Unit: 1761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703)-308-0756. The fax number for this Group is (703)-305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Drew Becker

October 10, 2000


GABRIELLE BROUILLETTE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700
10/10/00